

EXHIBIT 12

***REDACTED VERSION OF
DOCUMENT SOUGHT TO
BE SEALED***

EXHIBIT 12

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
Plaintiff,)
vs.) Case No.
UBER TECHNOLOGIES, INC.;) 3:17-cv-000939-WHA
OTTOMOTTO LLC; OTTO TRUCKING,)
INC.,)
Defendants.)
_____)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF KRISTINN GUDJONSSON
Palo Alto, California
Friday, July 28, 2017
Volume I

Reported by:
CARLA SOARES
CSR No. 5908
JOB No. 2665814

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 A Oh, when I would get back to them? 11:27:59

2 Q Yes.

3 A No, that would be just as soon as

4 possible.

5 Q Okay. So what does the three months refer 11:28:04

6 to?

7 A I'm sorry. I thought you were talking

8 about how far back I should be looking at his

9 activity on the machine.

10 Q Okay. So let me go back then. 11:28:12

11 So to the best of your recollection, what

12 you had agreed on is that you would look at the

13 machine and go back about three months?

14 A Two, three months, probably. Yeah.

15 Q [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19 Q And then did you discuss how soon you

20 would revert to Ms. Bailey with more information? 11:28:36

21 A As quickly as possible.

22 Q When did the meeting take place?

23 A I'm sorry. Did you say "when" or "where"?

24 Q When.

25 A I'm not completely sure. A guess would be 11:28:52

1 end of January, beginning of February. Not sure. 11:28:59

2 Q Was that meeting in person?

3 A Me and Gary were in person, and then they
4 were over VC, over videoconference.

5 Q Where is Ms. Bailey located? 11:29:18

6 A I think she is in the Google X building.

7 Q I'm sorry. You said that some lawyer was
8 involved. Do you recall which lawyer?

9 A No, I don't. Sorry. I'm terrible with
10 names. 11:29:36

11 Q But is it fair to say it was an in-house
12 Google lawyer?

13 A Yes.

14 Q Okay. And I believe you said earlier that
15 they had provided some clarification. Is that 11:30:06
16 Ms. Bailey or the attorney or both?

17 A Probably both, but I don't recall.

18 Q What did you do after the meeting in terms
19 of the investigation?

20 A I started a tracking doc. 11:30:34

21 Q Did you say "a tracking doc"?

22 A I create a -- what we call [REDACTED]

23 [REDACTED]
24 and a subsequent tracking doc.

25 Q Okay. And what information did you put in 11:30:53

1 the -- into the event management system? 11:30:55

2 I'm sorry. Do you need some more water?

3 A No, I think I'm good for now.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q And what information did you put into the

9 tracking document?

10 A [REDACTED]

11 [REDACTED]

12 Q Do you recall any of the background

13 information you put into the tracking document?

14 A Yes.

15 Q What was that? 11:31:30

16 THE WITNESS: Am I allowed to say that?

17 MR. BAKER: Can you repeat the question

18 again?

19 BY MR. TAKASHIMA:

20 Q Do you recall what information you put 11:31:37

21 into the tracking document?

22 A That information is partially what was

23 given to me by lawyers and legal advice, so I'm

24 fairly certain that would be under privilege.

25 MR. BAKER: Yeah, we can step outside and 11:31:48

1 A Yes. 16:29:09

2 Q Can you explain basically what it does,

3 what it is?

4 A It's a search engine.

5 Q It's a search engine? 16:29:13

6 A Yes.

7 Q And who uses it?

8 A It is an internal search engine used by

9 Googlers.

10 Q By Google employees? 16:29:19

11 A Yes.

12 Q You searched for specific terms when you

13 were analyzing Anthony Levandowski's logs. Where

14 did these -- for example, in the Gary Brown

15 declaration, there was a search for the "Chauffeur 16:29:36

16 SVN login" and for the "EEE setup.

17 A Do you remember which paragraph it is?

18 Q It is paragraph 15.

19 A Yes, 15.

20 Q Where did these terms come from? 16:29:55

21 A Again, this would be either derived from

22 legal counsel or from [REDACTED] based

23 on what we have seen from legal counsel.

24 Q So can you explain a little bit about this

25 [REDACTED]p? 16:30:14

16:31:19

1 A [REDACTED] [REDACTED]
[REDACTED]
3 Q Okay. What did the searches of the term
4 "Chauffeur SVN login" tell you about Anthony
5 Levandowski's objectives with respect to his 16:31:35
6 activities?
7 A First of all, this is something that Gary
8 did, and you would have to ask Gary.
9 Q Okay.
10 A And I do not -- cannot speculate about 16:31:42
11 intention of somebody else.
12 Q When you were running these searches of
13 these terms -- sorry. Let me start over.
14 When searches of these terms were being
15 run, what sources were looked at? 16:31:55
16 A What sources?
17 Q Of information. So you ran searches of
18 these terms, right?
19 A Yes.
20 Q What results were you getting back? 16:32:07
21 MR. BAKER: Just to be clear --
22 THE WITNESS: Can you clarify a little bit
23 more?
24 MR. BAKER: Can I ask you a question?
25 Because when we were talking about [REDACTED] 16:32:17

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: 7/29/2017

22
23 

24 CARLA SOARES

25 CSR No. 5908